1	AN	NACT relating to child support.
2	Be it end	acted by the General Assembly of the Commonwealth of Kentucky:
3	<b>→</b>	SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO
4	READ A	AS FOLLOWS:
5	(1) As	used in this section, unless the context requires otherwise:
6	<u>(a)</u>	"Day of parenting time" means that the parent has the responsibility and
7		physical control of the child overnight; and
8	<u>(b)</u>	"Shared parenting order" means an order for child custody that grants
9		each parent physical custody of a child for more than one hundred nine
0		(109) days of parenting time per year.
1	(2) Th	is section shall not apply if the child or children subject to the child support
2	<u>aw</u>	ard receive public assistance in the form of the Kentucky Transitional
3	Ass	sistance Program or kinship care.
4	(3) WI	nen one (1) parent exercises more than one hundred nine (109) days of
5	<u>par</u>	renting time, but has less than one hundred forty-six (146) days of parenting
6	tim	e, and is the obligor under a child support award in the case, the court may
17	<u>ad</u> j	iust the presumptive child support award under Section 4 of this Act if the
8	<u>co</u> 1	urt makes the following written findings:
9	<u>(a)</u>	An adjustment does not result in a child support award that provides
20		insufficient funds to the household receiving support to meet the child's
21		basic needs;
22	<u>(b)</u>	The shared parenting order results in a reduction in the financial
23		expenditures incurred by the obligee parent;
24	<u>(c)</u>	The shared parenting order results in an increase in the financial
25		expenditures incurred by the obligor;
26	<u>(d)</u>	An adjustment in the child support award is in the best interest of the child;
27		and

1		(e) An adjustment in the presumptive child support award is equitable under all
2		of the facts and circumstances of the case.
3	<u>(4)</u>	When there is a shared parenting order that grants one (1) parent physical
4		custody of a child for at least one hundred forty-six (146) days of parenting time,
5		the court shall adjust the presumptive child support award if the court makes
6		written findings as required under subsection (3) of this section.
7	<u>(5)</u>	In a case pursuant to this section, the parent who is the obligor shall have the
8		burden to prove by a preponderance of the evidence that all requirements under
9		subsections (2) and (3) of this section are met before the court makes an
10		adjustment to the presumptive child support award for shared parenting time.
11	<u>(6)</u>	An adjustment to a child support award for shared parenting time under this
12		section shall be calculated as follows:
13		(a) Compute the total child support obligation for the parents' combined
14		incomes as determined under Section 3 of this Act and multiply this amount
15		by one and one-half (1.5);
16		(b) Multiply each parent's percentage of combined monthly adjusted parental
17		gross income by the result under paragraph (a) of this subsection;
18		(c) Multiply the results for each parent under paragraph (b) of this subsection
19		by the percentage of days in one (1) year that each parent is granted
20		physical custody of the child;
21		(d) Subtract the results under paragraph (c) of this subsection for each parent
22		from the results under paragraph (b) of this subsection for each parent;
23		(e) Subtract the lesser amount calculated under paragraph (d) of this
24		subsection from the greater amount calculated under paragraph (d) of this
25		subsection; and
26		(f) Require the parent calculated to owe the greater amount under paragraph
27		(d) of this subsection to pay the adjusted child support award amount

1		calculated in paragraph (e) of this subsection to the other parent.
2	<u>(7)</u>	The court shall use the child support worksheet that includes the formula to
3		calculate a child support award adjusted for shared parenting time.
4	<u>(8)</u>	An adjustment to a child support obligation shall not require a parent to pay
5		more than the maximum child support award as determined under KRS 403.212.
6	<u>(9)</u>	If a parent is awarded an adjustment to a child support obligation under this
7		section and that parent does not comply with the shared parenting order on a
8		consistent, repeated basis, then the court may, upon petition of the other parent,
9		recalculate the child support award with no adjustment and award costs and
10		attorney's fees for the recalculation to the appropriate parent.
11		→ Section 2. KRS 205.721 is amended to read as follows:
12	(1)	All services available to individuals receiving public assistance under Title IV-A of
13		the Federal Social Security Act benefits shall also be available to individuals not
14		receiving public assistance benefits, upon application by the individual with the
15		cabinet.
16	(2)	The cabinet shall continue to provide IV-D services when a family ceases to receive
17		public assistance without requiring a formal application and without payment of the
18		application fee specified in subsection (3) of this section. IV-D services shall be
19		discontinued upon the request of the recipient.
20	(3)	Except as provided in subsection (2) of this section, the cabinet may charge an
21		application fee for the services based on a fee schedule, which shall take into
22		account the applicant's net income. No application fee shall be required from
23		individuals receiving public assistance.
24	(4)	The cabinet shall impose an annual fee of thirty-five dollars (\$35)[twenty-five
25		dollars (\$25)] pursuant to 42 U.S.C. sec. 654[Public Law 109-171, Section 7310],
26		which shall be satisfied by withholding the fee from a child support disbursement.
27		→ Section 3. KRS 403.211 is amended to read as follows:

1	(1)	An action to establish or enforce child support may be initiated by the parent,
2		custodian, or agency substantially contributing to the support of the child. The
3		action may be brought in the county in which the child resides or where the
1		defendant resides.

- (2) Except as provided in Section 1 of this Act, at the time of initial establishment of a child support order, whether temporary or permanent, or in any proceeding to modify a support order, the child support guidelines in KRS 403.212 shall serve as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guidelines where their application would be unjust or inappropriate. Any deviation shall be accompanied by a written finding or specific finding on the record by the court, specifying the reason for the deviation.
- (3) A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption and allow for an appropriate adjustment of the guideline award if based upon one (1) or more of the following criteria:
  - (a) A child's extraordinary medical or dental needs;

- 17 (b) A child's extraordinary educational, job training, or special needs;
- 18 (c) Either parent's own extraordinary needs, such as medical expenses;
- 19 (d) The independent financial resources, if any, of the child or children;
- 20 (e) Combined monthly adjusted parental gross income in excess of the Kentucky child support guidelines;
  - (f) The parents of the child, having demonstrated knowledge of the amount of child support established by the Kentucky child support guidelines, have agreed to child support different from the guideline amount. However, no such agreement shall be the basis of any deviation if public assistance is being paid on behalf of a child under the provisions of Part D of Title IV of the Federal Social Security Act; and

XXXX Jacketed

1 (g) Any similar factor of an extraordinary nature specifically identified by the court which would make application of the guidelines inappropriate.

- 3 (4) "Extraordinary" as used in this section shall be determined by the court in its discretion.
- 5 (5) When a party has defaulted or the court is otherwise presented with insufficient 6 evidence to determine gross income, the court shall order child support based upon 7 the needs of the child or the previous standard of living of the child, whichever is 8 greater. An order entered by default or due to insufficient evidence to determine 9 gross income may be modified upward and arrearages awarded from the date of the 10 original order if evidence of gross income is presented within two (2) years which 11 would have established a higher amount of child support pursuant to the child 12 support guidelines set forth in KRS 403.212.
  - (6) The court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, reasonable and necessary child care costs incurred due to employment, job search, or education leading to employment, in addition to the amount ordered under the child support guidelines.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

- (7) (a) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section, "health care coverage" includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child. If health care coverage is reasonable in cost and accessible to either parent at the time the request for coverage is made, the court shall order the parent to obtain or maintain coverage, and the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care coverage for the child, in addition to the support ordered under the child support guidelines.
- 27 (b) A parent, who has one hundred percent (100%) of the combined monthly

XXXX Jacketed

adjusted parental gross income, shall be entitled to a reduction in gross income of the entire amount of premiums incurred and paid.

- (c) The court shall order the cost of health care coverage of the child to be paid by either or both parents of the child regardless of who has physical custody. The court order shall include:
  - A judicial directive designating which parent shall have financial responsibility for providing health care coverage for the dependent child, which shall include but not be limited to health care coverage, payments of necessary health care deductibles or copayments;
  - 2. If appropriate, cash medical support. "Cash medical support" means an amount to be paid toward the cost of health care coverage, fixed payments for ongoing medical costs, extraordinary medical expenses, or any combination thereof; and
  - 3. A statement providing that if the designated parent's health care coverage provides for covered services for dependent children beyond the age of majority, then any unmarried children up to twenty-five (25) years of age who are full-time students enrolled in and attending an accredited educational institution and who are primarily dependent on the insured parent for maintenance and support shall be covered.
- (d) If health care coverage is not reasonable in cost and accessible at the time the request for the coverage is made, the court order shall provide for cash medical support until health care coverage becomes reasonable in cost and accessible.
- (8) (a) For purposes of this section, "reasonable in cost" means that the cost of coverage to the responsible parent does not exceed five percent (5%) of his or her gross income. The five percent (5%) standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a

XXXX

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

single and a family policy, or the cost of acquiring a separate policy to cover the child. If the parties agree or the court finds good cause exists, the court may order health care coverage in excess of five percent (5%) of the parent's gross income.

- (b) For purposes of this section, "accessible" means that there are providers who meet the health care needs of the child and who are located no more than sixty (60) minutes or sixty (60) miles from the child's primary residence, except that nothing shall prohibit use of a provider located more than sixty (60) minutes or sixty (60) miles from the child's primary residence.
- (9) The cost of extraordinary medical expenses shall be allocated between the parties in proportion to their combined monthly adjusted parental gross incomes. "Extraordinary medical expenses" means uninsured expenses in excess of one hundred dollars (\$100) per child per calendar year. "Extraordinary medical expenses" includes but is not limited to the costs that are reasonably necessary for medical, surgical, dental, orthodontal, optometric, nursing, and hospital services; for professional counseling or psychiatric therapy for diagnosed medical disorders; and for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services.
- 19 (10) The court order shall include the Social Security numbers, provided in accordance 20 with KRS 403.135, of all parties subject to a support order.
- 21 (11) In any case administered by the Cabinet for Health and Family Services, if the 22 parent ordered to provide health care coverage is enrolled through an insurer but 23 fails to enroll the child under family coverage, the other parent or the Cabinet for 24 Health and Family Services may, upon application, enroll the child.
- 25 (12) In any case administered by the cabinet, information received or transmitted shall 26 not be published or be open for public inspection, including reasonable evidence of 27 domestic violence or child abuse if the disclosure of the information could be

harmful to the custodial parent or the child of the parent. Necessary information and records may be furnished as specified by KRS 205.175.

- 3 (13) In the case in which a parent is obligated to provide health care coverage, and
  4 changes employment, and the new employer provides health care coverage, the
  5 Cabinet for Health and Family Services shall transfer notice of the provision for
  6 coverage for the child to the employer, which shall operate to enroll this child in the
  7 obligated parent's health plan, unless the obligated parent contests the notice as
  8 specified by KRS Chapter 13B.
- 9 (14) Notwithstanding any other provision of this section, any wage or income shall not 10 be exempt from attachment or assignment for the payment of current child support 11 or owed or to-be-owed child support.
  - (15) A payment of money received by a child as a result of a parental disability shall be credited against the child support obligation of the parent. A payment shall not be counted as income to either parent when calculating a child support obligation. An amount received in excess of the child support obligation shall be credited against a child support arrearage owed by the parent that accrued subsequent to the date of the parental disability, but shall not be applied to an arrearage that accrued prior to the date of disability. The date of disability shall be as determined by the paying agency.
- Section 4. KRS 403.212 is amended to read as follows:
- 21 (1) The following provisions and child support table shall be the child support 22 guidelines established for the Commonwealth of Kentucky.
- 23 (2) For the purposes of the child support guidelines:

12

13

14

15

16

17

18

- 24 (a) "Income" means actual gross income of the parent if employed to full capacity 25 or potential income if unemployed or underemployed.
- 26 (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages,

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps.

(c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues.

(d) If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a determination of potential income shall not be made for a parent who is *incarcerated*, physically or mentally incapacitated, or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility. Potential income shall be determined based upon employment potential and probable earnings level based on the obligor's or obligee's recent work history, occupational qualifications, and prevailing job opportunities and earnings levels in the community. A court may find a parent to be voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation.

- (e) "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines.
- (f) Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed.
- (g) "Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:
  - The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;
  - 2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and

Page 10 of 28
XXXX

1	3.	A deduction for the support to the extent payment is made, if a parent is
2		legally responsible for and is actually providing support for other prior-
3		born children who are not the subject of a particular proceeding. If the
4		prior-born children reside with that parent, an "imputed child support
5		obligation" shall be allowed in the amount which would result from
6		application of the guidelines for the support of the prior-born children.
7 (h)	"Spl	it custody arrangement" means a situation where each parent is the
8	resid	dential custodian for one (1) or more children for whom the parents share

(3) The child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.

a joint legal responsibility.

9

10

11

12

21

22

23

24

25

26

- 13 (4) The child support obligation shall be the appropriate amount for the number of 14 children in the table for whom the parents share a joint legal responsibility. The 15 minimum amount of child support shall be sixty dollars (\$60) per month.
- 16 (5) The court may use its judicial discretion in determining child support in 17 circumstances where combined adjusted parental gross income exceeds the 18 uppermost levels of the guideline table.
- 19 (6) The child support obligation in a split custody arrangement shall be calculated in the following manner:
  - (a) Two (2) separate child support obligation worksheets shall be prepared, one(1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.
  - (b) The nonresidential custodian with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.

(7) The child support guidelines table is as follows:

2	COMBINED						
3	MONTHLY						
4	ADJUSTED						
5	PARENTAL						
6	GROSS						SIX
7	INCOME	ONE	TWO	THREE	FOUR	FIVE	OR
8		CHILD	CHILD	REN			MORE
9	\$ 0	\$ 60	\$ 60	\$ 60	\$ 60	\$ 60	\$ 60
10	100	60	60	60	60	60	60
11	200	<u>65</u>	68	71	80	88	95
12	<u>300</u>	80	92	107	120	132	143
13	<u>400</u>	90	123	142	159	175	190
14	<u>500</u>	107	153	177	198	217	236
15	<u>600</u>	127	182	211	235	259	281
16	<u>700</u>	148	211	245	273	301	327
17	<u>800</u>	168	240	279	311	343	372
18	<u>900</u>	186	267	310	347	381	415
19	<u>1000</u>	204	303	341	381	419	456
20	<u>1100</u>	223	324	384	416	458	498
21	<u>1200</u>	241	346	433	451	496	539
22	<u>1300</u>	259	373	460	504	534	<u>581</u>
23	<u>1400</u>	277	399	466	520	576	622
24	<u>1500</u>	295	424	522	588	642	662
25	<u>1600</u>	311	448	548	612	674	717
26	<u>1700</u>	329	473	574	647	706	755
27	<u>1800</u>	346	497	599	675	736	788

1	<u>1900</u>	363	523	620	699	763	817
2	2000	379	545	642	723	789	852
3	2100	395	<i>568</i>	664	747	815	886
4	2200	410	590	689	771	847	920
5	2300	426	612	715	799	879	955
6	<u>2400</u>	442	634	740	827	910	989
7	2500	458	657	767	856	942	1024
8	2600	474	681	795	888	976	1061
9	2700	492	707	825	921	1014	1102
10	2800	509	731	854	954	1050	1141
11	2900	526	757	885	988	1087	1182
12	3000	543	782	914	1021	1123	1221
13	<u>3100</u>	561	807	945	1055	1161	1262
14	3200	577	830	972	1085	1194	1298
15	3300	593	852	996	1113	1224	1331
16	3400	607	872	1019	1138	1252	1361
17	3500	620	890	1040	1162	1278	1389
18	3600	633	908	1060	1185	1303	1416
19	3700	647	927	1082	1208	1329	1445
20	3800	659	945	1102	1231	1354	1472
21	3900	672	962	1121	1252	1378	1497
22	4000	683	977	1138	1271	1399	1520
23	4100	694	993	1156	1291	1420	1544
24	4200	705	1008	1173	1310	1441	1566
25	4300	716	1024	1191	1330	1463	1590
26	4400	727	1039	1208	1349	1484	1613
27	<u>4500</u>	739	1055	1225	1369	1505	1636

1	<u>4600</u>	748	1067	1239	1384	1523	1655
2	4700	754	1076	1249	1396	1535	1669
3	4800	760	1085	1259	1407	1547	1682
4	4900	766	1094	1270	1418	1560	1696
5	<u>5000</u>	772	1102	1280	1429	1572	1709
6	<u>5100</u>	778	1111	1290	1441	1585	1723
7	5200	785	1120	1300	1465	1599	1736
8	5300	791	1129	1312	1486	1621	1750
9	<u>5400</u>	798	1139	1330	1506	1644	1765
10	<u>5500</u>	806	1149	1348	1527	1666	1781
11	<u>5600</u>	813	1159	1367	1548	1689	1805
12	<u>5700</u>	820	1169	1385	1568	1712	1829
13	5800	827	1179	1403	1589	1734	1853
14	<u>5900</u>	835	1189	1421	1610	1757	1877
15	6000	842	1199	1440	1630	1779	1901
16	<u>6100</u>	846	1204	1458	1658	1802	1926
17	6200	851	1210	1476	1672	1824	1950
18	<u>6300</u>	855	1215	1498	1690	1844	1970
19	6400	860	1221	1511	1705	1860	1988
20	<u>6500</u>	864	1227	1524	1720	1876	2005
21	6600	868	1232	1538	1735	1893	2023
22	<u>6700</u>	873	1240	1551	1750	1909	2040
23	6800	878	1251	1564	1764	1925	2058
24	<u>6900</u>	883	1261	1577	1779	1943	2075
25	7000	887	1272	1591	1794	1958	2093
26	<u>7100</u>	892	1282	1604	1809	1975	2110
27	<u>7200</u>	897	1293	1617	1824	1991	2127

1	<i>7300</i>	902	1303	1630	1839	2007	2145
2	<u>7400</u>	906	1313	1644	1854	2024	2162
3	<u>7500</u>	910	1324	1657	1869	2048	2179
4	<u>7600</u>	914	1333	1668	1881	2053	2194
5	<u>7700</u>	918	1342	1679	1893	2066	2208
6	<u>7800</u>	921	1350	1691	1905	2079	2223
7	7900	925	1359	1702	1917	2093	2238
8	8000	928	1368	1713	1929	2106	2252
9	8100	932	1377	1724	1941	2119	2267
10	8200	936	1386	1736	1953	2133	2281
11	8300	942	1395	1747	1965	2146	2296
12	8400	949	1404	1758	1977	2159	2311
13	<u>8500</u>	955	1413	1769	1989	2173	2325
14	8600	961	1421	1780	2002	2186	2340
15	8700	968	1430	1792	2014	2199	2354
16	8800	974	1437	1800	2024	2210	2360
17	8900	980	1444	1809	2033	2220	2376
18	9000	986	1450	1817	2042	2230	2387
19	9100	992	1457	1825	2052	2241	2398
20	9200	997	1463	1833	2061	2251	2408
21	9300	1003	1470	1842	2070	2261	2419
22	9400	1009	1476	1850	2079	2271	2430
23	<i>9500</i>	1014	1483	1858	2089	2281	2440
24	9600	1021	1489	1866	2098	2291	2451
25	<i>9700</i>	1028	1496	1874	2107	2301	2461
26	9800	1036	1502	1883	2117	2311	2572
27	9900	1043	1508	1891	2126	2321	2483

1	10000	1051	1515	1000	21/5	2221	2.402
1	<u>10000</u>	1051	1515	1899	2165	2331	2493
2	<u>10100</u>	1058	1521	1907	2174	2341	<u> 2504</u>
3	<u>10200</u>	1066	1527	1915	2183	2351	2515
4	<u>10300</u>	1073	1533	1923	2192	2361	2524
5	<u>10400</u>	1081	1541	1932	2202	2372	2536
6	<u>10500</u>	1089	1548	1940	2212	2382	2546
7	<u>10600</u>	1097	1554	1948	2221	2392	2557
8	<u>10700</u>	1105	1561	1956	2230	2402	2567
9	<u>10800</u>	1114	1567	1965	2240	2412	2578
10	<u>10900</u>	1122	1583	1973	2249	2422	2589
11	<u>11000</u>	1130	1595	1981	2258	2432	2599
12	<u>11100</u>	1138	1606	1989	2268	2443	2610
13	<u>11200</u>	1146	1618	1997	2277	2453	2620
14	<u>11300</u>	1153	1629	2005	2286	2463	2631
15	11400	1159	1636	2013	2295	2473	2642
16	<u>11500</u>	1164	1643	2021	2305	2483	2652
17	<u>11600</u>	1169	1651	2029	2314	2493	2663
18	<u>11700</u>	1174	1658	2037	2323	2503	2673
19	11800	1179	1665	2046	2333	2513	2684
20	<u>11900</u>	1184	1672	2054	2342	2523	2695
21	<u>12000</u>	1189	1679	2062	2351	2533	2705
22	<u>12100</u>	1184	1687	2070	2361	2544	<i>2716</i>
23	<u>12200</u>	1200	1694	2078	2370	2554	2726
24	<u>12300</u>	1205	1701	2086	2379	2564	2737
25	<u>12400</u>	1210	1708	2094	2388	2574	2748
26	<u>12500</u>	1215	1715	2102	2398	2584	2758
27	<u>12600</u>	1220	1722	2110	2407	2594	2769

1	<u>12700</u>	1225	1729	2118	2416	2604	2779
2	<u>12800</u>	1229	1735	2127	2426	2614	2790
3	<u>12900</u>	1233	1741	2135	2435	2624	2801
4	<u>13000</u>	1237	1746	2143	2444	2634	2811
5	<u>13100</u>	1241	1752	2151	2454	2648	2822
6	<u>13200</u>	1245	1758	2159	2463	2655	2832
7	<u>13300</u>	1249	1764	2167	2472	2665	2843
8	<u>13400</u>	1254	1769	2175	2481	2675	2854
9	<u>13500</u>	1258	1775	2183	2491	2685	2864
10	<u>13600</u>	1262	1781	2191	2500	2695	2875
11	<u>13700</u>	1266	1787	2199	2508	2705	2885
12	<u>13800</u>	1270	1792	2208	2519	2715	2896
13	<u>13900</u>	1274	1798	2216	2528	2725	2907
14	<u>14000</u>	1278	1804	2224	2537	2735	2917
15	<u>14100</u>	1283	1811	2232	2547	2746	2928
16	<u>14200</u>	1288	1818	2240	2556	2756	2938
17	<u>14300</u>	1294	1825	2248	2565	2766	2949
18	<u>14400</u>	1299	1832	2256	2574	2776	2960
19	<u>14500</u>	1304	1839	2264	2584	2786	2970
20	<u>14600</u>	1309	1845	2272	2593	2796	2981
21	<u>14700</u>	1314	1852	2280	2602	2806	2991
22	<u>14800</u>	1319	1859	2289	2612	2816	3002
23	<u>14900</u>	1324	1866	2297	2621	2826	3013
24	<u>15000</u>	1329	1873	2305	2630	2836	3023
25	<u>15100</u>	1334	1880	2308	2632	2839	3026
26	<u>15200</u>	1339	1887	2311	2635	2842	3029
27	<u>15300</u>	1344	1894	2314	2638	2845	3032

1	<u>15400</u>	1348	1900	2317	2640	2848	3035
2	<u>15500</u>	1353	1907	2320	2642	2851	3038
3	<u>15600</u>	1358	1913	2323	2644	2854	<i>3041</i>
4	<u>15700</u>	1363	1920	2326	2646	2857	3044
5	<u>15800</u>	1367	1926	2329	<i>2648</i>	2860	3047
6	<u>15900</u>	1372	1933	2331	2650	2863	<i>3050</i>
7	<u>16000</u>	1377	1940	2334	2652	2866	<i>3053</i>
8	<u>16100</u>	1382	1947	2337	2654	2869	<i>3056</i>
9	<u>16200</u>	1387	1954	2340	2656	2872	3059
10	<u>16300</u>	1393	1961	2343	2658	2875	3062
11	<u>16400</u>	1398	1967	2346	2660	2878	3065
12	<u>16500</u>	1403	1974	2349	2662	2881	3068
13	<u>16600</u>	1408	1981	2351	2664	2884	<i>3071</i>
14	<u>16700</u>	1413	1994	2357	2667	2887	<i>3074</i>
15	<u>16800</u>	1418	1994	2357	2668	2890	3077
16	<u>16900</u>	1423	2000	2360	2670	2893	3080
17	<u>17000</u>	1428	2008	2363	2672	2896	3083
18	<u>17100</u>	1434	2015	2366	2674	2899	<i>3086</i>
19	<u>17200</u>	1440	2022	2369	2676	2902	3089
20	<u>17300</u>	1445	2029	2371	2678	2905	3092
21	<u>17400</u>	1451	2036	2374	2680	2908	<i>3096</i>
22	<u>17500</u>	1456	2043	2377	2682	2911	3100
23	<u>17600</u>	1462	2050	2380	2684	2914	3109
24	<u>17700</u>	1467	2057	2383	2686	2917	3118
25	<u>17800</u>	1473	2064	2386	2688	2920	3126
26	<u>17900</u>	1478	2071	2389	2690	2923	<i>3134</i>
27	<u>18000</u>	1485	2078	2392	2692	2926	<u>3144</u>

1	<u>18100</u>	1491	2086	2395	2694	2929	3153
2	<u>18200</u>	1497	2094	2398	2696	2932	3162
3	<u>18300</u>	1503	2101	2405	2698	2935	3171
4	<u>18400</u>	1510	2109	2413	2700	2938	3179
5	<u>18500</u>	1516	3116	2421	3704	3941	3188
6	<u>18600</u>	1522	2123	2429	2710	2944	3197
7	<u>18700</u>	1528	2131	2437	2718	3947	3205
8	<u>18800</u>	1534	2138	2445	2727	2951	3214
9	<u>18900</u>	1540	2145	2452	2735	2959	3222
10	<u>19000</u>	1547	2153	2461	2745	2967	3231
11	<u>19100</u>	1554	2162	2470	2754	2975	3240
12	<u>19200</u>	1561	2170	2478	2763	3984	3249
13	<u>19300</u>	1568	2178	2487	2772	2992	3258
14	<u>19400</u>	1575	2186	2495	2781	3000	3267
15	<u>19500</u>	1582	2194	2504	2791	3008	3276
16	<u>19600</u>	1589	2202	2512	2800	3016	3285
17	<u>19700</u>	1596	2210	2521	2809	3024	3293
18	<u>19800</u>	1603	2217	2529	2817	3032	3302
19	<u>19900</u>	1610	2225	2537	2826	3040	3310
20	20000	1617	2233	2546	2835	3048	3319
21		<del>[70</del>	70	70	70	70	70
22	 300	80	80	80	80	80	80
23	 400	90	90	90	90	90	90
24	 500	100	105	110	115	120	125
25	 600	120	125	130	135	140	145
26	 700	140	156	161	166	171	176
27	 800	160	203	208	213	218	223

1	 900	180	261	266	271	276	281
2	 1,000	195	303	325	330	335	340
3	 1,100	212	324	384	389	394	399
4	 1,200	229	346	433	446	451	456
5	 1,300	246	367	460	504	510	515
6	 1,400	262	392	491	554	576	582
7	 1,500	277	417	522	588	642	650
8	 1,600	293	437	548	618	674	717
9	 1,700	308	458	574	647	706	755
10	 1,800	322	478	599	675	736	788
11	 1,900	336	495	620	699	763	816
12	 2,000	350	512	642	723	789	844
13	 2,100	364	529	663	747	815	872
14	 2,200	376	546	684	771	841	900
15	 2,300	389	563	<del>706</del>	795	868	928
16	 2,400	401	580	727	819	894	956
17	 2,500	413	597	749	843	920	984
18	 2,600	424	614	770	867	946	1,012
19	 2,700	435	630	790	889	970	1,038
20	 2,800	445	646	809	911	994	1,064
21	 2,900	455	662	829	934	1,019	1,090
22	 3,000	465	677	849	956	1,043	1,116
23	 3,100	475	693	868	978	1,067	1,142
24	 3,200	485	709	888	1,001	1,092	1,168
25	 3,300	495	725	908	1,023	1,116	1,194
26	 3,400	506	741	928	1,045	1,140	1,220
27	 3,500	516	757	947	1,067	1,164	1,246

Jacketed

XXXX

1	 3,600	526	773	967	1,090	1,189	1,272
2	 3,700	<del>536</del>	790	988	1,113	1,215	1,299
3	 3,800	548	808	1,011	1,139	1,243	1,329
4	 3,900	559	826	1,033	1,164	1,270	1,359
5	 4,000	571	844	1,056	1,190	1,298	1,388
6	 4,100	580	862	1,078	1,215	1,326	1,418
7	 4,200	592	880	1,101	1,240	1,353	1,448
8	 4,300	603	898	1,123	1,266	1,381	1,477
9	 4,400	615	916	1,146	1,291	1,409	1,507
10	 4,500	626	933	1,161	1,316	1,435	1,535
11	 4,600	636	949	1,181	1,338	1,459	1,561
12	 4,700	647	964	1,200	1,360	1,483	1,586
13	 4,800	657	980	1,220	1,381	1,507	1,612
14	 4,900	667	995	1,239	1,403	1,531	1,637
15	 5,000	676	1,010	1,257	1,424	1,554	1,661
16	 5,100	686	1,025	1,275	1,444	1,576	1,685
17	 5,200	695	1,039	1,294	1,465	1,599	1,709
18	 5,300	705	1,054	1,312	1,486	1,621	1,733
19	 5,400	714	1,069	1,330	1,506	1,644	1,757
20	 5,500	724	1,083	1,348	1,527	1,666	1,781
21	 5,600	733	1,098	1,367	1,548	1,689	1,805
22	 5,700	743	1,113	1,385	1,568	1,712	1,829
23	 5,800	753	1,127	1,403	1,589	1,734	1,853
24	 5,900	<del>762</del>	1,142	1,421	1,610	1,757	1,877
25	 6,000	772	1,157	1,440	1,630	1,779	1,901
26	 6,100	781	1,171	1,458	1,651	1,802	1,926
27	 6,200	791	1,186	1,476	1,672	1,824	1,950

Jacketed

1		6,300	800	1,198	1,498	1,690	1,844	1,970
2		6,400	808	1,209	1,511	1,705	1,860	1,988
3		6,500	816	1,219	1,524	1,720	1,876	2,005
4		6,600	823	1,230	1,538	1,735	1,893	2,023
5		6,700	830	1,240	1,551	1,750	1,909	2,040
6		6,800	837	1,251	1,564	1,764	1,925	2,058
7		6,900	844	1,261	1,577	1,779	1,942	2,075
8		7,000	851	1,272	1,591	1,794	1,958	2,093
9		7,100	858	1,282	1,604	1,809	1,975	2,110
10		7,200	865	1,293	1,617	1,824	1,991	2,127
11		7,300	872	1,303	1,630	1,839	2,007	2,145
12		7,400	879	1,313	1,644	1,854	2,024	2,162
13		7,500	885	1,324	1,657	1,869	2,040	2,179
14		7,600	891	1,333	1,668	1,881	2,053	2,194
15		7,700	896	1,342	1,679	1,893	2,066	2,208
16		7,800	901	1,350	1,691	1,905	2,079	2,223
17		7,900	907	1,359	1,702	1,917	2,093	2,238
18		8,000	912	1,368	1,713	1,929	2,106	2,252
19	,	8,100	917	1,377	1,724	1,941	2,119	2,267
20		8,200	922	1,386	1,736	1,953	2,133	2,281
21		8,300	928	1,395	1,747	1,965	2,146	2,296
22	,	8,400	933	1,404	1,758	1,977	2,159	2,311
23		8,500	938	1,413	1,769	1,989	2,173	2,325
24		8,600	944	1,421	1,780	2,002	2,186	2,340
25		8,700	949	1,430	1,792	2,014	2,199	2,354
26		8,800	954	1,437	1,800	2,024	2,210	2,366
27		8,900	958	1,444	1,809	2,033	2,220	2,376

1		9,000	962	1,450	1,817	2,042	2,230	2,387
2		9,100	966	1,457	1,825	2,052	2,241	2,398
3		9,200	971	1,463	1,833	2,061	2,251	2,408
4		9,300	975	1,470	1,842	2,070	2,261	2,419
5		9,400	979	1,476	1,850	2,079	2,271	2,430
6		9,500	983	1,483	1,858	2,089	2,281	2,440
7		9,600	988	1,489	1,866	2,098	2,291	2,451
8		9,700	992	1,496	1,874	2,107	2,301	2,461
9		9,800	996	1,502	1,883	2,117	2,311	2,472
10		9,900	1,000	1,508	1,891	2,126	2,321	2,483
11		10,000	1,005	1,515	1,899	2,165	2,331	2,493
12		10,400	1,022	1,541	1,932	2,202	2,372	2,536
13		10,500	1,027	1,548	1,940	2,212	2,382	2,546
14		10,600	1,032	1,554	1,948	2,221	2,392	2,557
15		10,700	1,036	1,561	1,956	2,230	2,402	2,567
16		10,800	1,040	1,567	1,965	2,240	2,412	2,578
17		10,900	1,044	1,573	1,973	2,249	2,422	2,589
18		11,000	1,049	1,580	1,981	2,258	2,432	2,599
19		11,100	1,053	1,587	1,989	2,268	2,443	2,610
20		11,200	1,058	1,593	1,997	2,277	2,453	2,620
21	-	11,300	1,062	1,600	2,005	2,286	2,463	2,631
22	;	11,400	1,066	1,606	2,013	2,295	2,473	2,642
23		11,500	1,070	1,613	2,021	2,305	2,483	2,652
24		11,600	1,075	1,619	2,029	2,314	2,493	2,663
25		11,700	1,079	1,626	2,037	2,323	2,503	2,673
26		11,800	1,084	1,633	2,046	2,333	2,513	2,684
27		11,900	1,088	1,639	2,054	2,342	2,523	2,695

1	 12,000	1,093	1,646	2,062	2,351	2,533	2,705
2	 12,100	1,097	1,653	2,070	2,361	2,544	2,716
3	 12,200	1,102	1,659	2,078	2,370	2,554	2,726
4	 12,300	1,106	1,666	2,086	2,379	2,564	2,737
5	 12,400	1,110	1,672	2,094	2,388	2,574	2,748
6	 12,500	1,114	1,679	2,102	2,398	2,584	2,758
7	 12,600	1,119	1,685	2,110	2,407	2,594	<del>2,769</del>
8	 12,700	1,123	1,692	2,118	2,416	2,604	2,779
9	 12,800	1,128	1,699	2,127	2,426	2,614	2,790
10	 12,900	1,132	1,705	2,135	2,435	2,624	2,801
11	 13,000	1,137	1,712	2,143	2,444	2,634	2,811
12	 13,100	1,141	1,719	2,151	2,454	2,645	2,822
13	 13,200	1,146	1,725	2,159	2,463	2,665	2,832
14	 13,300	1,150	1,732	2,167	2,472	2,665	2,843
15	 13,400	1,154	1,738	2,175	2,481	2,675	2,854
16	 13,500	1,158	1,745	2,183	2,491	2,685	2,864
17	 13,600	1,163	1,751	2,191	2,500	2,695	2,875
18	 13,700	1,167	1,758	2,199	2,509	2,705	2,885
19	 13,800	1,172	1,765	2,208	2,519	2,715	2,896
20	 13,900	1,176	1,771	2,216	2,528	2,725	2,907
21	 14,000	1,181	1,778	2,224	2,537	2,735	2,917
22	 14,100	1,185	1,785	2,232	2,547	2,746	2,928
23	 14,200	1,190	1,791	2,240	2,556	2,756	2,938
24	 14,300	1,194	1,798	2,248	2,565	2,766	2,949
25	 14,400	1,198	1,804	2,256	2,574	2,776	2,960
26	 14,500	1,202	1,811	2,264	2,584	2,786	2,970
27	 14,600	1,207	1,817	2,272	2,593	2,796	2,981

1	 14,700	1,211	1,824	2,280	2,602	2,806	2,991
2	 14,800	1,216	1,831	2,289	2,612	2,816	3,002
3	14,900	1,220	1,837	2,297	2,621	2,826	3,013
4	 15,000	1,225	1,844	2,305	2,630	2,836	3,023]

Section 5. KRS 403.215 is amended to read as follows:

After July 15, 1990, any new or modified order or decree which contains provisions for the support of a minor child or minor children, shall provide for a wage assignment which shall begin immediately except for good cause shown, and which shall be paid based upon the payment schedule of wages of the employer to whom the wage assignment is directed, and at a minimum, on a monthly basis. If good cause is shown, the wage assignment shall take effect when an arrearage accrues that is equal to the amount of support payable for one (1) month, pursuant to KRS 405.465. Notice of all orders providing for wage assignment issued in Kentucky on or after January 1, 1994, shall be sent to the employer using the federally approved Income Withholding for Support (IWO) form that contains the accompanying OMB number.

- → Section 6. KRS 405.467 is amended to read as follows:
- (1) All support orders issued by the Cabinet for Health and Family Services, including those issued pursuant to Part D, Title IV of the Federal Social Security Act, shall provide for immediate withholding of earnings of the parent or parents obligated to pay child support and medical support as is necessary to pay the child support obligation, except where one (1) of the parties demonstrates, and the court or administrative order finds that there is good cause not to require immediate income withholding, or a written agreement is reached by both parties which provides for an alternative arrangement.
  - (2) In any case in which a support order was issued in the state and in which a parent is required to pay court-ordered or administratively determined child support, medical support, maintenance, and medical support insurance, and wage withholding is not

XXXX Jacketed

	in effect, and an arrearage accrues that is equal to the amount of support payment
	for one (1) month, upon request of the absent parent, request of the custodial parent,
	or upon administrative determination, the secretary shall issue an order for
	withholding of earnings of the parent as is necessary to comply with the order plus
	interest at the legal rate on the arrearage, if any, without the need for a judicial or
	administrative hearing.
(3)	If a court-ordered arrearage repayment amount does not exist and an arrearage
	accrues that is equal to the amount of support payable for one (1) month, an
	arrearage repayment amount may be determined administratively. The cabinet
	shall promulgate administrative regulations establishing the guidelines for
	arrearage payments.
<u>(4)</u>	In any case in which a parent is required either by court order or administrative
	order to provide medical insurance coverage for the child and the parent has failed
	to make application to obtain coverage for the child, the secretary shall issue an
	order for withholding of the employee's share, if any, of premiums for health
	coverage and to pay the share of premiums to the insurer, without the need for a
	judicial or administrative hearing.
<u>(5)</u> {(	(4)] The cabinet shall advise the obligated parent that a wage withholding has
	commenced by sending a copy of the order to withhold at the same time that the
	order is sent to the employer. The only basis for contesting the withholding shall be
	a mistake of fact or law. If the parent contests the withholding, the cabinet shall give
	the obligor an opportunity to present his or her case at an administrative hearing
	conducted in accordance with KRS Chapter 13B and decide if the withholding will
	continue.
<u>(6)</u> [(	(5)] The cabinet shall combine any administrative or judicial wage withholding
	order, or multiple administrative or judicial orders for child support and medical
	support into a single wage withholding order when payable through the cabinet to a

Page 26 of 28
XXXX

single family or to multiple family units.

(7){(6)} The cabinet shall serve the order to withhold earnings or notice of multiple wage withholding orders specifying wage withholding requirements on the employer of an obligor by certified mail, return receipt requested. The order shall state the amount to be withheld, or the requirement to enroll the child under the health insurance coverage, including amounts to be applied to arrearages, plus interest at the legal rate on the arrearage, if any, and the date the withholding is to begin. The total amount to be withheld, including current support and payment on arrearages plus interest, and medical insurance coverage may not exceed the limit permitted under the federal Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b).

(8) [(7)] If there is more than one (1) notice for child support withholding against a single absent parent, the cabinet shall allocate amounts available for withholding, giving priority to current child support, up to the limits imposed under Section 303(b) of the Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b). The allocation by the cabinet shall not result in a withholding for one (1) of the support obligations not being implemented. Amounts resulting from wage withholding shall be allocated on a proportionate basis between multiple family units. Any custodial parent adversely affected by the provisions of this subsection shall have standing to challenge any proportionate allocations and, for good cause shown, a District Court, Circuit Court, or family court of competent jurisdiction may set aside the cabinet's proportional allocations as to the custodial parent.

(9)[(8)] If the amounts to be withheld preclude collection of the total amount of combined child support and medical support due to the limits of the federal Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b), the actual amount received shall be applied first to the current monthly child support obligation amount. Any payment exceeding the current monthly child support obligation shall

1	then be applied by the cabinet to the administratively ordered or judicially ordered
2	medical support obligation.
3	(10)[(9)] The employer shall forward to the Cabinet for Health and Family Services that
4	portion of salary or wages of the parent due and to be due in the future as will be
5	sufficient to pay the child support amount ordered.
6	(11) [(10)] The employer shall be held liable to the cabinet for any amount which the
7	employer fails to withhold from earnings due an obligor following receipt of an
8	order to withhold earnings.
9	(12)[(11)] Any order to withhold earnings under this section shall have priority as against
10	any attachment, execution, or other assignment, notwithstanding any state statute or
11	administrative regulation to the contrary.
12	(13)[(12)] No withholding under this section shall be grounds for discharging from
13	employment, refusing to employ, or taking disciplinary action against any obligor
14	subject to withholding required by this section.
15	(14)[(13)] The remedies provided for in this section shall also be available for applicable
16	support orders issued in other states.
17	(15)[(14)] Interstate requests for withholding of earnings shall be processed by the
18	cabinet.